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AFFIDAVIT

I, Michael J. White, being duly sworn on oath, depose and state as follows:

1. I am presently employed as Special Agent with the Bureau of Indian Affairs and am assigned to the Fort Berthold Agency. My duties include, among other things, investigation of violent crime within Indian country. In this regard, I work with tribal police officers and criminal investigators from the Three Affiliated Tribes Law Enforcement Services.

2. This affidavit is made in support of a Complaint charging Houston James Kirkaldie ("Kirkaldie"), an Indian male, with the offense of Assault of a Dating Partner Resulting in Substantial Bodily Injury in violation of Title 18, United States Code, Sections 113(a)(7) and 1153, and is based upon information gathered by me during my investigation as well as information communicated to me by Three Affiliated Tribes ("TAT") police officers and other investigators. This affidavit is submitted only to establish probable cause; therefore, not all information gathered during the course of the

investigation has been included.

3. On February 1, 2014, Mountrail County 911 contacted the Three Affiliated Tribes ("TAT") police department to dispatch officers to a location near New Town, North Dakota, based on a call placed by Jesse Wilber ("Jesse"). Wilber reported that he was in a vehicle leaving his estranged wife Shantelle Wilber's ("Shantelle") residence with her in the vehicle, and they were accosted by Houston Kirkaldie as they were leaving. Jesse advised that Kirkaldie had assaulted Shantelle earlier in the day. Officers

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arrived and separated the parties.

4. I and other investigators conducted interviews thereafter. Shantelle Wilber explained to me and other agents that she had been dating Kirkaldie for some time, and they had been living together at her residence near New Town since approximately the fall of 2012. Shantelle stated that she awoke on the date of the incident to find Kirkaldie not present in the bedroom. She thereafter located him in the basement of the home. Shantelle explained that Kirkaldie had been using methamphetamine and had been awake for long period of time. She and Kirkaldie argued. Kirkaldie then used an open hand and struck her on the left side of her head on her ear. She immediately lost hearing in that ear. Kirkaldie then struck her with an open hand on the other side of her head, and shoved her. Shantelle said they then separated for a period of time, and emotions calmed down. Kirkaldie left and returned with food for Shantelle. He then took a .25 caliber rifle and left the house to shoot guns with another person. After Kirkaldie left, Shantelle explained that she attempted to get Kirkaldie to return and take her to the emergency

room as her ear was hurting. She was unsuccessful, so she contacted her estranged husband Jesse and requested that he transport her to a medical provider. Jesse arrived in approximately 20 minutes. As Jesse and she were getting ready to leave in Jesse's pickup, Kirkaldie arrived home. Jesse and Kirkaldie began to argue. Kirkaldie attempted to break the side mirror from the pickup. Kirkaldie then picked up some rocks and stood in front of the pickup. Jesse drove forward and bumped into Kirkaldie, who yelled and threatened both Jesse and Shantelle. Kirkaldie also made a throat-slashing

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gesture toward the two. Jesse and Shantelle left the residence in the pickup, and Kirkaldie began to follow them in another motor vehicle.

5. According to Jesse Wilber, as he and Shantelle left the residence, he called 911. While he was driving, Jesse observed a friend on a Bobcat and requested the friend to try to stop Kirkaldie's vehicle as he pursued them. Jesse explained the friend was able to do so. As this was occurring, Tribal police officers arrived. Jesse and Shantelle declined to press charges at that time.

6. Shantelle explained that after the police arrived, she and Jesse drove to another residence, where Jesse exited and stayed. Shantelle indicated she drove herself to the emergency room in Stanley, North Dakota, where she was evaluated and determined to have a ruptured ear drum. I subsequently gathered medical reports from that visit, and those reports confirm that Shantelle was found to have a ruptured ear drum.

7. According to Jesse, later that same day, after he was dropped off at the other residence, Kirkaldie arrived at the home, rushed into the house, and punched Jesse in the head with a closed fist. Jesse suffered a bruised eye and a chipped tooth.

8. The area where Shantelle described the incident occurring is just east of New Town, North Dakota, and is within the exterior boundaries of the Fort Berthold Indian Reservation.

9. According to enrollment records I have reviewed, Houston James Kirkaldie, is an enrolled member of the Three Affiliated Tribes.


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The foregoing is true to the best of my knowledge and belief.

Dated this 10th day of February, 2014.



Michael J. White, Special Agent
Bureau of Indian Affairs

Subscribed and sworn to before me this 10th day of February, 2014, via telephone
from Bismarck, North Dakota, to New Town, North Dakota.



CHARLES S. MILLER, JR.
United States Magistrate Judge